

Working from home: A model for reasonable accommodation



As I write this article, South Africa still finds itself amidst the nationwide lockdown, which has been instituted to combat the spread of the coronavirus which has had a tremendous impact on the world. At this time, when companies and organisations who do not provide essential services are closed, they have had to think carefully and strategically on how to keep their businesses open. Many have branched out into online services, be it expanding into online sales, providing training or education, or simply trying to keep the population's morale up. In situations where employees are able and required to work from home, companies have made extra efforts to ensure that they have the necessary equipment in order to do so. This includes allowing employees to take desktop computers home, purchasing mobile phone call time, ensuring there is an internet connection and covering the cost of data. This work-from-home strategy has proven an excellent way in which to continue business operations.

This is reasonable accommodation in the time of the COVID-19 pandemic. For everyone.

But what is reasonable accommodation? The White Paper on the Rights of Persons with Disabilities (2015) gives the following definition -

*“**Necessary and appropriate modifications and adjustments, as well as assistive technology, not imposing a situation, where needed in a particular place, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.**”*

Persons with disabilities have long been asking for reasonable accommodation in their workplaces, to allow them access to the job market so as to compete on an equal level with others. These requests have

most often been denied on the grounds of (seemingly) exorbitant costs, lack of knowledge of available facilities, or perhaps plain stubbornness on the part of employers who don't want to be seen to be favouring certain staff members.

Reasonable accommodation is not favouritism; it is giving each person what they require in order to complete a task on an equal level, benefitting both the employee and the employer.

Here are two examples of successful reasonable accommodation in practice -

The organisation I am with, the Western Cape Association for Persons with Disabilities, provides an excellent example. Some years ago, we were fortunate to secure the services of a social media specialist who would be responsible for our online presence. However, his appointment posed some questions as even though he was more than qualified to do the work, he was classified as a person with quadriplegia, meaning no muscle function from his shoulders down. We considered what he would require in his workspace in order to fulfil his tasks. This included a raised desk so that his wheelchair could fit underneath, a laptop with speech-to-text software, and a specialised mouth stick. Bearing in mind that we didn't have an available work space, our desks are work surfaces attached to the wall and would require substantial capital to change, and the necessary soft- and hardware are extremely expensive, this didn't seem to be attainable. Added to this, public transport would have taken 2 hours to travel 8 kms, cost him double as he needed a personal carer at all times, and would necessitate him remaining in his wheelchair for 12 hours straight which posed additional health complications.

Everyone agreed that he could not work on our premises but this did not mean that we didn't employ him! The solution was that he work from home, where his own workspace was already setup for his needs, he wouldn't need transport, there would be no additional expenses, and the nature of the work was such that we could monitor his progress online. It was truly a win-win for both parties.

My husband has profound hearing loss and when he accepted a position at the National Council of and for Persons with Disabilities, the question of reasonable accommodation was discussed. The best means of communication at that time was email and SMSs, which meant that he didn't have to physically be in the office (which is in Johannesburg and we live in Cape Town!). The Council agreed that he run a virtual office and go to the office once a month for a meeting, when a lip speaker was made available to address his communication needs. This has worked for the past 20 years.

Yet, it seems as though the world has suddenly discovered this novel and modern way of conducting business! Sure, we have additional technology today but the concept of working from home using technology has been around for many years.

And furthermore, it works!

We all know that the world cannot go back to what it was before this pandemic and I've heard people suggest that we consider which parts of the old normal we would like to take into our new normal. I pray that employers embrace the concept of reasonable accommodation and give persons with disabilities the opportunity to benefit companies with their unique viewpoints and talents.